

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 11-04224 DMR	DATE FILED 8/26/2011	U.S. DISTRICT COURT Northern District of California, 1301 Clay St., #400-S, Oakland, CA 94612
PLAINTIFF RIMAGE CORPORATION		DEFENDANT INNOVATIVE AUTOMATION LLC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <u>7,174,362</u>		****See attached complaint***
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5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Clara Pierce	DATE August 29, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

ORIGINAL

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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CV 11-04224

DMR

18 RIMAGE CORPORATION,

19 Plaintiff,

20 v.

21 INNOVATIVE AUTOMATION LLC,

22 Defendant.

Case No. _____

COMPLAINT FOR DECLARATORY
JUDGMENT

Demand for Jury Trial

COMPLAINT FOR DECLARATORY JUDGMENT

BY FAX

1 Plaintiff Rimage Corporation ("Rimage") states its complaint against defendant
2 Innovative Automation LLC ("Defendant"), and alleges as follows:

3 **NATURE OF THE ACTION**

4 1. This is an action for declaratory judgment brought by Rimage pursuant to
5 28 U.S.C. §§ 2201-02, and the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, seeking a
6 declaration that Rimage does *not* infringe U.S. Patent No. 7,174,362 ("the '362 Patent") [attached
7 hereto as Exhibit A], and that the claims of the '362 Patent are invalid.

8 **PARTIES**

9 2. Rimage is a corporation organized and existing under the laws of the State of
10 Minnesota, with its principal place of business at 7725 Washington Avenue South, Minneapolis,
11 Minnesota 55439.

12 3. On information and belief, Defendant is a limited liability company organized and
13 existing under the laws of the State of California, which claims to have its principal place of
14 business at 606 North First Street, San Jose, California 95112.

15 **JURISDICTION AND VENUE**

16 4. Defendant purports to be the owner of all rights, title, and interests in and to the
17 '362 Patent. Defendant has raised a reasonable apprehension of the filing of a lawsuit against
18 Rimage resulting in the establishment of a case or controversy between the parties in relation to
19 the '362 Patent, as set forth below.

20 5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338,
21 1367, 2201, and 2202, and the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

22 6. This Court has personal jurisdiction over Defendant by virtue of its:
23 (i) incorporation under the laws of the State of California, (ii) maintaining its principal place of
24 business in this judicial District, and (iii) otherwise purposefully availing itself of the privileges
25 and benefits of the laws of the State of California. Defendant has also sent, through its attorneys,
26 written communications to at least one of Rimage's customers or potential customers in
27 California alleging infringement of the '362 Patent at least in part because of the customer's use
28 of Rimage products.

1 7. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

2 **BACKGROUND**

3 8. Rimage is based in Minneapolis, Minnesota and has additional offices in Germany
4 and Japan. Rimage is in the field of digital publishing, duplication, and printing solutions.

5 9. Defendant purports to be the owner of all rights, title, and interests in and to the
6 '362 Patent. On May 17 and June 12, 2011, Defendant's legal counsel sent separate letters to
7 Isomedia, LLC ("Isomedia") [attached hereto collectively as Exhibit B], a client of Rimage,
8 which letters read together allege that the "methods used by Isomedia to duplicate digital data
9 may be covered by one or more claims" of the '362 patent.

10 10. The letters request that Isomedia take a license under the '362 Patent and assert
11 that Isomedia is infringing the '362 Patent based, at least in part, on Isomedia's use of a Rimage
12 duplication machine.

13 11. Rimage has not infringed and does not infringe, either directly or indirectly, any
14 valid and enforceable claim of the '362 Patent.

15 12. A substantial controversy exists between Rimage and Defendant of sufficient
16 immediacy and reality to trigger the jurisdictional requirements of the Declaratory Judgment Act.

17 **FIRST CLAIM FOR RELIEF**

18 **Declaratory Judgment of No Infringement**

19 **of Any Valid Claim of the '362 Patent**

20 13. Rimage restates, realleges, and incorporates by reference the allegations contained
21 in paragraphs 1 through 12 of this Complaint as if fully set forth herein.

22 14. Rimage has not infringed, does not infringe, has not induced others to infringe, and
23 does not contribute to the infringement, directly or indirectly, of any valid claim of the '362
24 Patent.

25 15. The acts described in the foregoing paragraphs create a substantial controversy of
26 sufficient immediacy and reality to warrant a finding of declaratory judgment of no infringement
27 of any valid claim of the '362 Patent.

SECOND CLAIM FOR RELIEF

Declaratory Judgment of Invalidity

of the Claims of the '362 Patent

16. Rimage restates, realleges, and incorporates by reference the allegations contained in paragraphs 1 through 15 of this Complaint as if fully set forth herein.

17. The claims of the '362 Patent are invalid for failure to comply with the conditions of patentability set forth in 35 U.S.C. §§ 101, 102, 103, and/or 112.

18. The acts described in the foregoing paragraphs create a substantial controversy of sufficient immediacy and reality to warrant a finding of declaratory judgment of invalidity of each claim of the '362 Patent.

PRAYER FOR RELIEF

WHEREFORE, Rimage respectfully requests that judgment be entered in its favor and prays that the Court grant the following relief:

1. A declaration that Rimage has not infringed, either directly or indirectly, any valid and enforceable claim of the '362 Patent;

2. A declaration that the claims of the '362 Patent are invalid;

3. An Order from this Court preliminary and permanently enjoining Defendant, its agents and servants, and any and all parties acting in concert with any of them, from alleging, either directly or indirectly, that Rimage infringes any valid claim of the '362 Patent;

4. An order declaring that Rimage is a prevailing party and that this is an exceptional case, awarding Rimage its costs, expenses, disbursements, and reasonable attorney fees under 35 U.S.C. § 285 and all other applicable statutes, rules, and common law; and

5. For such other and further relief as the Court may deem just and proper.

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JURY DEMAND

Rimage hereby demands a trial by jury on all issues triable of right to a jury under Rule 38 of the Federal Rules of Civil Procedure.

DATED: August 26, 2011

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